and Nicobar Islands and if adequate facilities are not provided for Island-mainland and inter-Island services to the people of Andaman and Nicobar Islands, not only the passenger traffic suffer but, at the same time, all essential commodities including the edibles, fresh vegetables etc. become scared.

The inter-Island shipping services are extremely bad and particularly the services to Campbell Bay, Noncowry, Kundul, Pilo Miloow, Catchal, Chawra, Tresha, Car Nicobar, Little Andaman are not getting adequate shipping services to move out from one Island to another The general Public is highly dissatisfied. The services from Diglipur and Mayabunder, Neil, Havelock are also equally bad. The ship repairing facilities are inadequate resulting into most of the ships remaining out of order. 'M.V.Chawra' ship took 5-1/2 months for annual dry-docking. The situation of inter-Island shipping is deplorable. This matter has been raised before the Andman and Nicobar Adminstration, time and again, without any fruitful result.

It is , therefore, requested that Government of India should issue Immediately direction to render all possible help to Andaman and Nicobar Administration to procure one more sea-worthy ship having 500 bunk and 100 cabin passenger capacity to ply between Port Blair and Campbell Bay, Great Nicobar near Indonesian border to meet the requirement of this far-flung islanders. This should be done urgently and Government should provide adequate funds for the shipping sector for procurement of some ships for Island-services.

12.50 hrs.

MOTION UNDER RULE 388

Suspension of Proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha.

[English]

THE MINISTER OF LABOUR (SHRI M. ARUANCHALAM) : Sir, I beg to move:

> "That this House do suspend the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the Motions for taking into consideration and passing of the Building and Other Construction Workers' Welfare Cess Bill, 1996, inasmuch as it is dependent upon the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Bill, 1996."

[Translation]

SHRI GEORGE FERNANDES (Nalanda) : Sir, I have given a notice to oppose this motion.

[English]

MR. DEPUTY-SPEAKER : I think the consent of the Speaker is not there.

SHRI GEORGE FERNANDES : No, Sir, it is not necessary. I have only given my name that I wish to speak on it. Under rule 388, there is no need for the consent of the Speaker, In fact, any Member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House. So, that rule is insofar as moving the motion is concerned and if the motion is carried, the rule in question shall be suspended for the time being.

Sir, since this Motion has to be carried, I wish now to oppose this Motion so that there can be a vote on this motion and the House can decide whether this motion should be carried and whether these Bills should be taken up. That is why I am on my legs.

[Translation]

I want to say that the proposed Bill is a fraud.

[English]

MR. DEPUTY-SPEAKER : Fernandes Ji, I am sorry to say that the consent of the Speaker is required, which is not there. You can participate in the discussion later on.

SHRI GEORGE FERNANDES : Sir, the consent of the Speaker is required for moving the motion.

JUSTICE GUMAN MAL LODHA (Pali) : The hon. Member has the right to speak, Sir. The conditions of rule 66 are not fulfilled in this case. Therefore, this rule cannot be dispensed with. That is what he wants to say.

SHRI GEORGE FERNANDES : Sir, the hon. Minister has moved that the rule may be suspended. So, that is where the consent of the Speaker has been secured. Thereafter, if the motion is carried, the rule in question shall be suspended for the time being. Now, if the motion has to be carried, one should know why that motion is there. For the motion to be carried, people must know why it should be Arried. There has to be a pro and a con view. Then alone the question of carrying the motion arises. We will be dumb dolls who will be pressing the button and saying that we are carrying the motion. I have reservations and I have opposition to this motion. The motion has to come with the consent of the Speaker. I am a Member of the House and I have a right to oppose it before you get to know the wishes of the House. Otherwise how do you take the vote of the House?

MR. DEPUTY-SPEAKER : You see the opening sentence of rule 388.

SHRI GEORGE FERNANDES : Sir, the opening sentence of rule 388 says : "Any Member may, with the consent of the Speaker, move that any rule may be suspended." He has moved the motion.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : Mr. Deputy-Speaker, Sir, he is absolutely right. It is a Motion before the House. The Speaker has given his consent so that the Motion can be moved.

SHRI GEORGE FERNANDES : That is his motion, Sir, and he has been given the consent.

MR. DEPUTY-SPEAKER : All right, you speak.

SHRI NIRMAL KANTI CHATTERJEE : Sir, it is a mere formality. If he wants a debate, he has every right to oppose it.

SHRI GEORGE FERNANDES : Before the House decides whether this motion should be adopted or not, the House should know why it should be adopted. Merely on reading the motion, we cannot accept it. It is the right of the Member to discuss it.

PROF. P.J. KURIEN (Mavelikara) : Sir, it is only for moving the motion that the consent of the Speaker is needed. Once it is moved, it is the property of the House and any Member can speak.

MR. DEPUTY-SPEAKER : All right.

Motion moved :

> "That this House do suspend the provisio to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the Motions for talking into consideration and passing of the Building and Other Construction on Workers' Welfare Cess Bill, 1996, in as much as it is dependent upon the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Bill, 1996."

[Translation]

SHRI GEORGE FERNANDES : Mr. Deputy Speaker, Sir, I am opposing this motion because it is meant for bringing two such Bills here for discussion which have their own history. first of all this Bill was introduced in the Rajya Sabha in 1988. After that a petition was filed by a committee of All India Building Construction workers before Petition Committee of Lok Sabha. The Chairman of this committee is Justice Krishna Iyer. All political parties of the country and all central organisations of the country, in spite of, their ideological differences participated in the deliberations of this committee. So the organisation filed a petition before the Petition Committee. Mr Deputy-Speaker Sir, I am going to quake from the recommendations made by the Petition Committee on 25th July 1989 before the House:

[English]

> "The Committee recommends that the Bill pending in the Rajya Sabha be withdrawn and a fresh Bill be introduced so as to cater to the long-felt demands of hitherto neglected segment of the working class."

It further says and I quote:

> "The Committee desires that the legislation proposed by the Campaign Committee may be exmined, considered and all good features thereof may be suitably incorporated in the Government Bill."

I was mentioning about this. It further says and I quote:

> "It is for the Government to ensure that the legislation which is finally created encompasses all the above features to the extent practicable."

[Translation]

On this basis and after this recommendations, the than Labour Minister Shri Bindeshwari Dubey withdrew this Bill. Thereafter a debate has been going on among the workers, the matter was discussed with the Government also and it was promised time and again that the Bill will be introduced after making necessary improvements. This Bill was brought before the elections and the people were very much agitated once again. The Committee discussed the matter and made certain proposals. Justice Krishna Iyar communicated it opinion of the Committee in this regard to all the political parties. Mr. Deputy-Speaker, Sir Janta Dal after due deliberations mentioned two sentences in their manifesto. Then Manifesto prior to elections to Lok Sabha in 1996 stated :

[English]

> "The Construction Workers Ordinance shall be revised substantially to remove anti-workers biases." It further says and I quote :
>
> "The Construction Workers' Ordinance will be replaced by a law on the lines of the recommendations of the Petitions Committee of Lok Sabha."

[Translation]

There are 2-3 cabinet Ministers belonging to Janta Dal sitting here today. They had played active role in drafting this Manifesto. They get vote of the people on the basis of the Manifesto and the Government came into being on that very basis. A promise was made and not only that, they gave their opinion also that this Bill, which is based on the ordinance;

[English]

This has anti-workers biases

[Translation]

and today, after breaking that promise made by them the Bill which has anti-workers biases, is sought to be introduced. How far it is justified to seek suspension of rules to do so?It cannot be justified even morally Earlier it was stated in respect the workers, under this Bill is meant, that Government will make changes in the ordinance and a new Bill will be introduced. So how far it is justified. My second point is that some one may says that that promise was made by Janta Dal and new programme of Janta Dal is not being implemented and that they are implementing the common minimum programme of the United Front. I got a document signed by Shri Ram Vilas Paswan on 10th June, 1996.

[English]

I am enclosing hesewith a copy of the Common Minimum Programme of the United Front Government for your information.

[Translation]

Mr. Deputy Speaker, Sir, now I want to draw you kind attention towards what has been stated in this connection in their programme.

13.00 hrs.

[English]

SHRI M. ARUNACHALAM : Sir, the hon. Member is speaking on the merits of the Bill. At this stage, it is a matter of suspension of Rule 66. Therefore, I do not think that it is necessary at this stage.

SHRI GEORGE FERNANDES : I am not on the merits of the Bill. I am saying why it is immoral to bring it.

[Translation]

Please say that recommendation of Petition committee have no value for the House. Then do not hold elections for the Petition Committee this year. If Petitions committee means taking a cup of tea in its meetings and receiving allowance between the two Session...*(Interruptions)*

[English]

MR. DEPUTY SPEAKER : Fernandesji, you may take up morality later on.

SHRI GEORGE FERNANDES : I am not talking about morality only. I am talking on a legal issue also. I am talking on the issue of the dignity of this House. What about the Petitions Committee of this House?

[Translation]

Please tell us as to what is the significance of the Petitions Committee which is elected by this House. If you want to say that recommendation of the Committee.

[English]

are not worth the paper on which they are written.

[Translation]

Then please disband the Petitions Committee. Why this joke is being played on us?

Now I come to Common Minimum Programme, It says:

[English]

> "Some laws have been made in respect of labour in the unorganised sector. These laws will be strengthened and where necessary, new laws will be made to protect the interest of such labour, particularly, in the construction and beedi rolling industry."

[Translation]

This is their progrmme and today are placing this legislation before the House about which they themselves have written and made a promise that they will change it as it is anti-worker.

Mr. Deputy speaker, Sir, I think that it is obligatory for the House to get the recommendations of the petition committee implemented. Eigher they should say in the House that they will not adhere to the recommendation of the said Committee. They had prepared this minimum programme at the time of installation of this Government. Has this paper lost its significance and values. The document was sent to all of us and I would like Shri Ram Vilas Paswan to react on this because it forwarded to us under his signatures. I want him to say in the House that the text of that programme has last its significance. Now we shall be getting same legislation which was proposed in 1988. It will certain much provision, which will be against the interest of workers.

We may look into any scheme of labourers, we shall find maximam number of labourers in the constructions sector. The are the most exploited lot Sir, may I know whether this Government which has a common minimum programme, supported by the CPM which has a minister from the CPI as for which all of us including myself have been working together for the last 10 years in the Committee under the Chairmanship of Krishna Iyer for the welfare of workers, will maintain the sactity of the cause for which all concerned parties had of the cause launched the Labour agitations.

Mr. Deputy Speaker, Sir, it is not the question of morality alone, it also involves the question of decisions taken by the Petitions Committee. I, therefore, request you to disallow this Motion and direct the Government to withdraw this Bill.

[English]

SHRI NIRMAL KANTI CHATTERJEE : Sir, I am on a point of order...*(Interruptions)*

JUSTICE GUMAN MAL LODHA : I have raised an objection regarding the maintainability of this matter ...*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE : Sir, a point of order should be given preference...*(Interruptions)*

MR. DEPUTY SPEAKER : Let him speak first.

SHRI NIRMAL KANTI CHATTERJEE : Sir, I defended Shri George's right to speak on the Motion because it was the question of suspension of Rules which he has very correctly quoted. Rule 388 says :

> "Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried the rule in question shall be suspended for the time being."

So, he has a right to oppose the Motion, but we must also look at Rule 66 which is being proposed to be suspended. I think, he is just not relevant there.

I will not enter into the merits of the question. He talks about CPI and CPI(M). He could have generated hostilities about us. That is a different matter.

Rule 66 states:

> "A Bill, which is dependent wholly or partly upon another Bill pending before the House, may be introduced in the House in anticipation of the passing of the Bill on which it is dependent."

It is not that part which is relevant. The second paragraph says:

> "Provided that the second Bill shall be taken up for consideration and passing in the House only after the first Bill has been passed by the Houses and assented to by the President."

Substantially, it is this part which is being proposed to be suspended. He or anybody who is objecting to it has to argue as to why the second Bill should be proposed before the House without passing the First Bill. There is no other point of objection in this respect. We can all go into the merits of the Bill. We can be no less forceful than Shri George Fernandes with all his demagogy like statement can muster. So, my point of order is, whatever he is suggesting is really getting into the content of the Bill. Therefore, I suggest that his objection is not valid and the hon. Minister should be allowed to get the motion passed with the consent of the House.

JUSTICE GUMAN MAL LODHA : Mr. Deputy-Speaker, Sir, I am raising this very point which he has referred to. I would be giving an answer to that and raising my objection.

Sir, under Rule 66, which has been read, a discretion has been given to Your Honour that in a given cases you can permit simultaneous consideration of two Bills. It is normally prohibited. The provision says:

> "Provided that the second Bill shall be taken up for consideration and passing in the House only after the first Bill has been passed by the Houses and assented to by the President."

Sir, there are two Bills before this House. One is regarding the cess and the other is regarding the conditions of service of the workers. Both the Bills have been listed today. Normally, the first Bill regarding conditions of service of the workers would be passed, it would then go to the Upper House, that is, the Council of States and then the President would assent to it. then, the second Bill regarding cess would come after that, either in this Session or the next Session.

Now, by this motion, the hon. Minister wants you to kindly waive this condition of taking up the Bill separately after the President's assent is given, so that the two Bills can be considered together. That is the motion.

SHRI NIRMAL KANTI CHATTERJEE : That is not stated here.

JUSTICE GUMAN MAL LODHA : I am opposing this motion. Why? I am opposing this motion for this reason that there must be some special reason for it. The powers which have been given to the Speaker for waiver of rules are rare. It is not that any hon. Member can just stand up and ask him to kindly waive a particular rule. There must be some extraordinary circumstances and some special grounds to convince the Speaker that these are the grounds due to which the proviso should be waived in this particular case.

In this motion, no grounds have been given. The motion only says that kindly waive this rule and permit the two Bills to be considered together. Even during the speech, the hon. Minister has not given any reason. There is no reason, no ground, no logic and no rationale stating as to why this extraordinary indulgence should be granted in this particular case and why the rules should be waived.

Sir, now I am submitting as to why it cannot be waived. My friend has given many reasons which are ethical, political and social. But I am on a technical point. There are two Bills. One is an ordinary Bill regarding the service conditions of the workers.

Second one is on the imposition of a cess. A cess is a tax. A tax is defined in different forms and one of the form is levying of a cess. Now that being so, it become a Money Bill. For the purpose of Money Bill, there is a different procedure laid down in the Rules and the Constitution also. A Money Bill have been defined under Articles 109 and 110 of the Constitution of India. A Money Bill has got a different procedure. there are certain restrictions. For example, the first Bill can be refferred to a Joint Committee, if the House so decides. But if you have to read Rule 74, the second Bill cannot be referred to because for the second Bill there is a restriction under Rule 74. So, these types of Bills cannot be referred. Therefore, that being so these two Bills cannot be clubbed. And why the clubbing should not be allowed, may I read Rule 74? It says:

> "When a Bill is introduced or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill namely:-
>
> (i) that it be taken into consideration; or
>
> (ii) that it be referred to a Select Committee of the House; or
>
> (iii) that it be referred to a Joint Committee of the Houses with the concurrence of the Council; or
>
> (iv) that it be circulated for the purpose of eliciting opinion thereon:

Provided that no such motion as is referred to in clause (iii) shall be made with reference to a Bill [if it contains only provisions dealing with all or any of the matters specified in sub-clauses (a) to (g) of clause (1) of article 110 of the constitution;]

Article 110 of the Constitution is for Money Bill and there are so many other things. For example, the ordinary Bill can be introduced anywhere, in the Upper House or the Lower House. But the Money Bill cannot be introduced in the Upper House.

Therefore, I submit that the second Bill which is sought to be clubbed with the first Bill, is a Money Bill and the Money Bill has been defined in Articles 109 and 110 of the Constitution of India. This is a Bill for imposition of the cess. The imposition of a cess relates to Money Bill and it cannot be considered as an ordinary Bill. That is why an ordinary Bill and a Money Bill cannot be clubbed together. Therefore, I submit that even if on other grounds Your Hounour is inclined to grant permission, on this ground that they cannot be clubbed together because the Constitution and Rules of Business provide different procedure, they will have to wait till the service condition Bill is passed and it is assented to by the President and it comes into force. Only then the cess can be levied. They cannot levy cess in advance. They cannot pass the Bill regarding cess along with this. That is my precise objection.

MR. DEPUTY-SPEAKER : What have you to say?

SHRI M. ARUNACHALAM : Sir, as the hon. Member has rightly pointed out, there are two Bills. One is Welfare Bill and the other is a Cess Bill. The Welfare Bill is dependent on the Cess Bill. We will not be able to implement the health, safety and welfare provisions for building and other construction workers, unless we have the welfare fund. Welfare fund cannot be constituted without passing the Cess Bill. Once a Cess Bill is passed, it is incumbent on the Government to go in for implementing the welfare provisions for building and other construction workers. We cannot implement these provisions without getting the Welfare Bill passed in Parliament. Sir, the Cess Bill and the Welfare Bill are closely inter-related and we would like them to be taken up together. That in why, we have moved for dispensing with the proviso to Rule 66.

Sir, these things are hanging for a long time. They are hanging from 1980 onwards. Of course, Mr. George Fernandes is the champion of the labourers. Therefore, I have come to the House for suspension of this Rule.

SHRI GEORGE FERNANDES : You are breaking the convention and your promises.

MR. DEPUTY-SPEAKER : But what have you to say regarding clubbing of the Money Bill and an ordinary Bill?

JUSTICE GUMAN MAL LODHA : A Money Bill and an ordinary Bill cannot be clubbed. That is a Constitutional objection.

SHRI A.C. JOS (Idukki) : May I humbly submit, Sir, that it is not a Money Bill? How can it be a Money Bill?

MR. DEPUTY-SPEAKER : The imposition of cess is there and, therefore, it becomes a Money Bill.

SHRI A.C. JOS : The Bill is enabling a welfare measure.

SHRI GEORGE FERNANDES : All the money goes to the Consolidated Fund of India. The money collected goes into the Consolidated Fund of India. Please read the Bill.

SHRI A.C. JOS : My submission to my learned friend is, as the hon. Minister point out, that this issue has

been hanging on fire for the past eight year ...*(Interruptions)*

SHRI GEORGE FERNANDES : The money goes to the consolidated Fund of India.

SHRI A.C. JOS : Whatever may be the technicalities, let it be introduced in the House and let us discuss it. I too have my own reservations about the need to club the two Bills together like that. Since the Government has decided to have it like this, let it be introduced. Otherwise, it will go on and on. For the eight or ten years, this proposition has been hanging fire for one reason or the other.

SHRI M. ARUNACHALAM : In the year 1974, the Speaker of the Lok Sabha had ruled on the Oil Industry Development Bill:

> "There is no bar against any Bill of any composite or hybrid nature to be brought under Rule 17. However, I feel that is would be advisable that, as far as possible, the Bills of composite or hybrid nature should be rare and only cases where the proposed taxation and other matters connected therein are inseparable."

Therefore, it is inseparable.

SHRI NIRMAL KANTI CHATTERJEE : In the List of Business, it has been mentioned that item Nos. 18 to 21 will be taken up together. These Bills are for consideration. At the time of passing the Bill, each Bill is separately voted. If there are difficulties at any stage for any Bill, that can be voted out. So, there is no problem at all in taking it up for discussion. In order that it can be taken up for discussion simultaneously, it has been desired that the rule should be suspended and the Speaker permitted the Motion to be moved. So, there is absolutely no complication in this case.

JUSTICE GUMAN MAL LODHA : The Business Advisory Committee cannot overrule the Constitution.

SHRI NIRMAL KANTI CHATTERJEE : Each Bill will be voted separately.

JUSTICE GUMAN MAL LODHA : Unless the President gives the assent, this Bill regarding cess cannot be considered. The Bill regarding cess can be considered only when the first Bill is passed. When it goes to the President, the President gives his assent and then it come here. Therefore, the Money Bill cannot be considered. So, where is the question of passing it?

SHRI BASU DEB ACHARIA (Bankura) : The Bills have already been introduced...*(Interruptions)*

SHRI GEORGE FERNANDES : You cannot say that you will continue with the same mistake. It is a Money Bill and you cannot challenge that.

SHRI NIRMAL KANTI CHATTERJEE : I am not challenging that.

SHRI GEORGE FERNANDES : All the levies will go into the Consolidated Fund of India.

SHRI NIRMAL KANTI CHATTERJEE : Have the Bills been introduced or not?

SHRI A.C. JOS : Sir, if the only objection is that the money goes to the Consolidated Fund of India, then my submission is that let the hon. Member move an amendment, as I have moved, saying that the money may go to the Welfare Board which is being constituted under this. So, there is no difficulty in this. If the hon. member's only objection is that it goes to the Consolidated Fund of the India and thus it becomes a Money Bill, then my submission is that let him give an amendment, as I have given, saying that it shall not be going into the Consolidated Fund of India, but it shall go to the Welfare Board.

MR. DEPUTY-SPEAKER : I have heard both the sides.

The question is :

> "That this House do suspend the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the Motions for taking into consideration and passing of the Building and other Construction Workers' Welfare Cess Bill, 1996, inasmuch as it is dependent upon the Building and Other construction Workers (Regulation of Employment and Conditions of Service) Bill, 1996."

Those in favour will please say 'Aye'.

SEVERAL HON. MEMBERS : 'Aye'

MR. DEPUTY-SPEAKER : Those against will please say '.

SOME HON. MEMBERS : 'No'.

MR. DEPUTY-SPEAKER : I think, the 'Ayes' have it. The 'ayes' have it.

(Interruptions)

JUSTICE GUMAN MAL LODHA : Sir, 'Noes' have it. We want a division.

SHRI GEORGE FERNANDES : It will be fought every inch of the way.

MR. DEPUTY-SPEAKER : Once again I put the question to the vote of the House. Let the Lobbies be cleared -

MR. DEPUTY-SPEAKER : Now, the Lobbies have been cleared.

The question is :

"That this House do suspend the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the Motions for taking into consideration and passing of the Building and Other Construction Workers' Welfare Cess Bill, 1996, inasmuch as it is dependent upon the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Bill, 1996."

The motion was adopted.

13.25 hrs.

Division No.1

AYES

Acharia, Shri Basu Deb (Bankura)
Ahamed Shri. E. (Manjeri)
Ahemed, Shri M. Kamaluddin (Hanamkonda)
Alagiri, Shri Samy. V. (Sivakasi)
Anwar, Shri Tariq (Katihar)
Arunachalam, Shri M. (Tenkasi)
Baalu, Shri T.R. (Madras South)
Balasubramoniyan, Shri S.R. (Nilgiris)
Bangarappa, Shri S. (Shimoga)
Barman, Shri Ranen (Balurghat)
Barman, Shri Uddhab (Barpeta)
Basu, Shri Chitta (Barasat)
Bhakta, Shri Manoranjan (Andaman and Nicobar Islands)
Bose, Shrimati Krishna (Jadavpur)
Chandulal, Shri Ajmeera (Warangal)
Chatterjee, Shri Nirmal Kantii (Dumdum)
Chaudhary, Shrimati Nisha A. (Sabarkantha)
Chavan, Shri Prithviraj D. (Karad)
Chennithala, Shri Ramesh (Kottayam)
Chittan, Shri N.S.V. (Dindigul)
Chitturi, Shri Ravindra (Rajamundry)
Dasmunsi, Shri P.R. (Howrah)
Dennis, Shri N. (Nagercoil)
Dev, Shri Sontosh Mohan (Silchar)
Dome, Dr. Ram Chandra (Birbhum)
Gadhvi Shri B.K. (Banaskantha)
Gaekwad, Satyajitsinh Dulipsinh (Baroda)
Gamang, Shri Giridhar (Koraput)
Ganesan, Shri V. (Chidambaram)
Gavit, Shri Manikrao Hodlya (Nandurbar)
Gehlot, Shri Ashok (Jodhpur)
Ghatowar, Shri Paban Singh (Dibrugarh)
Giri, Shri Sudhir (Contai)
Gnanaguruswamy Shri R. (Pariyakulam)
Hazarika, Shri Ishwar Prasanna (Tezpur)
Hossain, Shri Syed Masudal (Murshidabad)
Islam, Shri Nurul (Dhubri)
Islam, Shri Qamarul (Gulbarga)
Islary, Shri Louis (Kokrajhar)
Jena, Shri Srikanta (Kendrapara)
Jos, Shri A.C. (Idukki)
Kalmadi, Shri Suresh (Pune)
Kamson, Prof M. (Outer Manipur)
Khalap, Shri Ramakant D. (Panaji)
Kondaiah, Shri K.C. (Bellary)
Kota, Shri Sydaiah (Narsaraopet)
Koujalgi, Shri Shivanand, H. (Belgaum)
Krishnadas, Shri N.N. Palghat
Kunturkar, Shri G.M. (Nanded)
Maharaj, Shri Satpal (Garhwal)
Mahato, Shri Bir Singh (Purulia)
Mehta, Shri Sanat (Surendra Nagar)
Mollah, Shri Hannan (Uluberia)
Mukherjee, Shrimati Geeta (Panskura)
Mukherjee, Shri Pramothes (Berhampore) (WB)
Muniyappa, Shri K.H. (Kolar)
Nagaratnam Shri T. (Sriperumbudur)
Narasimhan, Shri C. (Krishnagiri)
Nishab, Shri Vihambhar Prasad (Fatehpur)
Nitish Kumar, Shri (Barh)
Panigrahi, Shri Sriballav (Deogarh)
Parasuraman, Shri K. (Chengalpatu)
Paswan, Shri Ram Vilas (Hajipur)
Patel, Shri Dinsha (Kheda)
Patel, Shri Shantilal Parsotamdas (Godhara)
Patil, Shri Shivraj V. (Latur)

Phoolan Devi, Shrimati (Mirzapur)
Pilot, Shri Rajesh (Dausa)
Premchandren, Shri N.K. (Quilon)
Raghavan, Shri V.V. (Trichur)
Raja, Shri A. (Perambalur)
Rajendran, Shri P.V. (Mayiladuturai)
Ram Babu, Shri A.G.S. (Madurai)
Ramana, Shri L. (Karimnagar)
Rao, Shri R. Sambasiva (Guntur)
Rathwa, Shri N.J. (Chhota Udaipur)
Reddy, Shri N. Ramakrishna (Chittoor)
Reddy, Dr. T. Subbarami (Visakhapatnam)
Saikia, Shri Muhi Ram (Nowgong)
Saini, Shri Pratap Singh (Amroha)
Sarma, Dr. Prabin Chandra (Guwahati)
Shakya, Shri Ram Singh (Itawah)
Shankar, Shri B.L. (Chikmanglur)
Shanmuga Sundaram, Shri V.P. (Gobichettipalayam)
Sharma, Shri Nawal Kishore (Alwar)
Singh, Maj. Gen. Bikram (Hamirpur)
Singh, Shri Chandrabhushan (Kannauj)
Swell, Shri G.G. (Shillong)
Theerthanraman, Shri P. (Dharmapuri)
Thomas, Shri P.C. (Muvattupuzha)
Tiriya, Kumari Sushila (Mayurbhanj)
Tiwari, Shri Brij Bhushan (Dumariaganj)
Topno, Kumari Frida (Sundergarh)
Udayappan, Shri S.P. (Ramanathapuram)
Upendra, Shri P. (Vijayawada)
Venkatesan, Shri P.R.S. (Cuddalore)
Venkateswaru, Prof. Ummareddy (Bapatla)
Venugopal, Shri D. (Tirupattur)
Yadav, Shri Chun Chun Prasad (Bhagalpul)
Yadav, Shri Surendra (Khalilabad)

NOES

Adsul, Shri Anandrao Vithoba (Buldhana)
Bagul, Dr. Sahebrao Sukram (Dhule)
Bhargava, Shri Girdhari Lal (Jaipur)
Chaubey, Shri Lamuni (Buxar)
Choudhary, Shri P.L (Misrikh)
Diler, Shri Kishan Lal (Hathras)
Fernandes, Shri George (Nalanda)
Gadhavi, Shri P.S. (Kutch)
Gautam, Shrimati Sheela (Aligarh)
Geete, Shri Anant Gangaram (Ratnagiri)
Gehlot, Shri Thawar Chand (Shajapur)
Gudhe Shri Anant (Amravati)
Gupta, Shri Chaman Lal (Udampur)
Jadhav, Shri Suresh R. (Parbhani)
Jai Prakash, Shri (Hissar)
Jain, Shri Satya Pal (Chandigarh)
Jatia, Dr. Satyanarayan (Ujjain)
Kamal Rani, Shrimati (Ghatampur)
Kamble, Shri Shivaji Vihalrao (Osmanabad)
Khalsa, Shri Basant Singh (Ropar)
Lodha, Justice Guman Mal (Pali)
Mehta, Shrimati Jayawanti Navinchandra (Bombay South)
Mishra, Shri Shyam Behari (Bihaur)
Munda, Shri Karia (Khunti)
Munni Lal, Shri (Sasaram)
Naik, Shri Ram (Mumbai North)
Pandey, Dr. Laxminarayan (Mandsaur)
Pawar, Shri Uttamsingh (Jalna)
Pradhani Shri Ashok (Khurja)
Premi, Shri Mangal Ram (Bijnor)
Purohit, Shri Banwari Lal (Nagpur)
Rana, Shri Kashi Ram (Surat)
Rana, Shri Raju (Bhavnagar)
Rawat, Prof. Rasa Singh (Ajmer)
Sai, Shri Nandkumar (Raigarh)
Sanghani, Shri Dileep (Amreli)
Sarpotdar, Shri Madhukar (Mumbai North-West)
Singh, Shri Darbara (Jalandhar)
Singh, Shri Jaswant (Chittorgarh)
Swaraj, Shrimati Sushma (South Delhi)
Tomar, Dr. Ramesh Chand (Hapur)
Vajpayee, Shri Atal Bihari (Lucknow)
Verma, Shri Bhanu Pratap Singh (Jalaun)
Verma, Shrimati Purnima (Mohanlal Ganj)
Virendra Kumar, Shri (Sagar)

MR. DEPUTY-SPEAKER : The result of the Division is :

Ayes	:	100
Noes	:	45

The Motion was adopted

MR. DEPUTY-SPEAKER : Now the House stands adjourned for lunch to meet again at 2.45 P.M.

13.45 hrs.

The Lok Sabha then Adjourned for Lunch till Forty-Five Minutes past Fourteen of the Clock.

[English]

14.51 hrs.

The Lok Sabha re-assembled after Lunch at Fifty-One Minutes past Fourteen of the Clock.

(Mr. Deputy-Speaker *in the Chair*)

MR. DEPUTY-SPEAKER : Item Nos. 18 to 21 will be taken up together. The time allotted is two hours. Shri Girdhari Lal Bhargava.

STATUTORY RESOLUTION RE: DISAPPROVAL OF THE BUILDING AND OTHER CONSTRUCTION WORKERS THIRD ORDINANCE, 1996

BUILDING AND OTHER CONSTRUCTION WORKERS BILL

STATUTORY RESOLUTION RE: BUILDING AND OTHER CONSTRUCTION WORKER'S WELFARE CESS THIRD ORDINANCE, 1996

AND

BUILDING AND OTHER CONSTRUCTION WORKERS' WELFARE CESS BILL

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : Mr. Deputy Speaker, Sir, I want to move the following Resolution pertaining to both the Bills, regarding construction workers ordinance and imposition of Welfare cess by the States, promulgated by the President. I move this Resolution to seek repeal of both the Bills. I move :

> "That this House disapproves of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Third Ordinance, 1996 (No. 25 of 1996) promulgated by the President on 20 June, 1996."

[English]

THE MINISTER OF LABOUR (SHRI M. ARUNACHALAM) : Sir, I beg to move :

> "That the Bill to regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare measures and for other matters connected therewith or incidental thereto, be taken into consideration."

[Translation]

SHRI GIRDHARI LAL BHARGAVA : Mr. Deputy Speaker, Sir, I beg to move :

> "That this House disapproves of the building and Other Construction Workers' Welfare Cess Third Ordinance, 1996 (No. 26 of 1996) promulgated by the President on 20 June, 1996."

Mr. Deputy Speaker, Sir, I have a right to speak twice. First time to speak on the question of workers engaged in construction activities and second time to speak on imposition of cess by the States. I made my separate points forcefully.

MR. DEPUTY SPEAKER : Please cover them in one speech.

SHRI GIRDHARI LAL BHARGAVA : Yes, Sir, now I have no option. I have to speak only once because of this voting. I have lost my right to speak twice. I request the hon'ble Minister that...

MR. DEPUTY SPEAKER : Please move your Resolution and then speak.

SHRI GIRDHARI LAL BHARGAVA : I have already moved. Let the hon'ble Minister do first whatever he proposes to do.

[English]

SHRI M. ARUNACHALAM : Sir, I beg to move :

> "That the Bill to provide for the levy and collection of a cess on the cost of construction incurred by employers with a view to augmenting the resources of the Building and Other Construction Worker's Welfare Boards constituted under the Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996, be taken into consideration."

MR. DEPUTY-SPEAKER : Motions moved :

> "That this House disapproves of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service)